

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 24, 2002

DIVISION ONE

[illegible]

The judgment is reversed. The matter is remanded to the trial court with directions to grant plaintiff's section 473 motion and set the matter on track for trial. Plaintiff is entitled to his costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B151440 People v. Carver (Not for Publication)

The judgment is modified to reduce the count 6 assault to a misdemeanor “simple” assault. The matter is remanded for the trial court to re-sentence defendant. The trial court is to stay execution of the sentence on count 4, making a terrorist threat.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B139433	Cacique, Inc. et al.	(Not for Publication)
	v.	
	Stella Foods, Inc. et al.	

The judgments are affirmed as to the findings of liability and the awards of actual loss damages and prejudgment interest. Paragraph (c)(3) of the permanent injunction in the December 1, 1999 judgment is reversed with directions to enter a new paragraph (c)(3) consistent with the views expressed herein. The April 19, 2000 judgment is reversed as to the award of punitive damages with directions to enter a new judgment awarding punitive damages in the amount of \$9 million. The orders appealed from are affirmed.¹³ The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

¹³ Inasmuch as defendants make no contentions or argument with respect to these orders with the exception of the order awarding attorney's fees, any such contentions are waived. (*Title G. & T. Co. v. Fraternal Finance Co.* (1934) 220 Cal. 362, 363; 9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, § 594, pp. 627-629.)

B146035 Cohen (Not for Publication)
v.
Home Depot U.S.A. Inc.

The judgment is reversed. Plaintiff is to recover his costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

April 24, 2002-Continued

DIVISION ONE (Continued)

B150765 People (Not for Publication)
v.
Gathright

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B151161 People (Not for Publication)
v.
Andrews

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

B152013 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B147841 People (Not for Publication)
v.
Terry

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B150793 People (Not for Publication)
v.
Grant

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B146629 People (Not for Publication)
v.
Barbee

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B148715 People v. Orozco (Not for Publication)

The judgment is modified by striking the 10-year term imposed for the firearm use enhancement and imposing in its place a 5-year term. The trial court is directed to prepare an amended abstract of judgment reflecting this change and to forward it to the Department of Corrections. As modified, the judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

April 24, 2002-Continued

DIVISION ONE (Continued)

B149810 People
v.
Harris

(Not for Publication)

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B150649 People (Not for Publication)
v.
Fortune

The judgment is reversed and the matter is remanded for further probation revocation proceedings.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B144066 People (Not for Publication)
v.
Hughes

The judgment is affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment to reflect Hughes's sentence of 27 years to life, plus a concurrent term of 25 years to life.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B151294 Kirkpatrick (Not for Publication)
v.
Drake et al.

The order of April 20, 2001, is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B149059 People (Not for Publication)
v.
Gomez, et al.

The judgment against Figueroa is modified by striking the presently stayed gang enhancement sentences imposed on counts 2, 4, and 5; in all other respects, both judgments are affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment for Figueroa.

Vogel (Miriam A.), J.

I concur: Ortega, Acting P.J.
I dissent & concur: Mallano, J. (Opinion)

B152598 People (Certified for Publication)
v.
Cano

The judgment (order revoking probation) is reversed and the cause is remanded to the trial court with directions to make such further orders as are necessary to secure Cano's release in the cause and to offer to Cano the Proposition 36 benefits to which he is entitled.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION TWO

B144373 People (Not for Publication)
v.
Martinez, et al.

Joe Lewis Martinez's judgment of conviction is affirmed.

Lisa Martinez's judgment of conviction is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B150256 People (Not for Publication)
v.
Devine H.

The Court:

The orders under review are affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B151548 Los Angeles County, D.C.S. (Not for Publication)
B151880 v.
Ronald B., et al.

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B144055 Christopher J. Lauria (Not for Publication)
v.
State Personnel Board
Administrative Director, Department of Industrial Relations, etc.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B148512 People (Not for Publication)
v.
La Shante Marquette Ervin

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

B150116 Darrell C. Cederlind, et al. (Not for Publication)
v.
Whites Canyon Homeowners Association, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FIVE

B144596 Raj Prasad (Not for Publication)
 v.
 Aditya Prasad

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B156011 People (Not for Publication)
 v.
 S.C.L.A.
 Michael Earl Turner

The petition for writ of mandate is granted. A peremptory writ shall issue directing respondent court to vacate defendant's probationary sentence. Because this order affects defendant's eligibility for probation, defendant may move to withdraw his guilty plea.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B149836 Peter Seo (Not for Publication)
 v.
 Laurence Kaplan et al.

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

I concur: Armstrong, J.
I dissent: Turner, P.J. (Opinion)

DIVISION FIVE (Continued)

B145131 Peter Seo (Certified for Publication)
v.
All-Makes Overhead Doors

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B152344 Chang (Not for Publication)
v.
City of Los Angeles

The judgment denying the petition for a writ of administrative mandate is affirmed. Respondent is awarded its costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B145113 Lara (Not for Publication)
v.
Willows Joint Venture, et al.

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B149442 People (Certified for Publication)
v.
Level

The judgment and sentence are affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION EIGHT

B150139 Los Angeles County, D.C.S.
v.
D. M.

On the court's own motion, rehearing is hereby granted.

B150139 Los Angeles County, D.C.S. (Not for Publication)
v.
D. M.

The order appealed from is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B147990 People v. Perez (Not for Publication)

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.